



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/934,695 Confirmation No. : 8405
First Named Inventor : Stefan BONEBERG
Filed : August 23, 2001
TC/A.U. : 1764
Examiner : Thanh P. Duong
Docket No. : 1748X/50331
Customer No. : 23911

Title : Method and Device for Generating a Hydrogen-Rich Gas

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection dated April 3, 2006, in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

Claims 5-9 remain in this application, while claims 1-4 were previously canceled.

Independent claim 5 is again rejected under 35 U.S.C. § 102(b), along with dependent claims 8 and 9, as anticipated by U.S. Patent 4,115,467 to Fowler. For reasons discussed below, this rejection is considered erroneous.

Initially, nothing in the Fowler patent disclosure supports the Examiner's conclusion, set forth in section 1 on pages 2-3 of the final rejection, that the CO shift reaction stage 38 is adiabatic as claim 5 particularly requires. Although this particular argument was presented in the response previously filed on January 12, 2006, the argument has not been addressed by the Examiner.

Nothing in the Fowler patent disclosure, moreover, suggests that the Fowler steam reformer 32 receives a product gas with a minimized oxygen content produced by an adiabatic, catalytic after-treatment stage as currently amended claim 5 particularly requires. The Fowler steam reformer 32 receives light gases consisting of hydrogen and carbon monoxide through the line 11 (see column 11, lines 3-6), methane for fuel through line 20 (see column 11, lines 18-23), steam or water through line 22 (see column 11, lines 28-30), and, optionally, polycyclic aromatics via line 47 (see column 11, lines 49-51), but does not receive a product gas with a minimized oxygen content produced by an after-treatment stage as currently amended claim 5 defines. It follows, therefore, that claim 5 as it appears above is not anticipated by the Fowler patent disclosure.

The comments provided by the Examiner in the "Response to Arguments" section set forth on pages 4-5 of the Office Action dated April 3, 2006, are noted. Again, however, the Fowler CO shift reaction stage 38 is not, or has not been shown by the Examiner to be, a steam reformer which receives a product gas with a minimized oxygen content produced by an adiabatic, catalytic aftertreatment stage as claim 5 also recites. The Examiner has improperly disregarded language appearing in claim 5. The limitations discussed are considered structural rather than functional limitations, and, in any event, the Examiner has impermissibly disregarded the explicit language of claim 5 in maintaining the rejection under 35 U.S.C. § 102(b) based on the Fowler patent.

U.S. Patent 6,620,536 to Strobel et al. is relied on as a secondary reference in combination with the Fowler patent discussed above to reject claims 6 and 7.

The Strobel et al. patent, however, fails to suggest modifying the configuration described in the Fowler patent disclosure so as to meet the limitations in claim 5 referred to above.

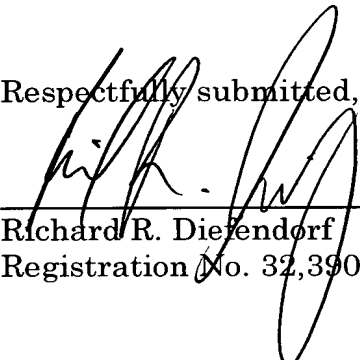
It is respectfully submitted that claim 5 is patentable over the documents relied on by the Examiner for reasons discussed above. Claims 6-9 depend on claim 5 and are considered patentable as well.

If there are any questions regarding this document or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an extension of time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #1748X/50331).

Date: July 6, 2006

Respectfully submitted,



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